

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2773 of 1993

Date of decision:14-8-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

A.J.DORIYA

Versus

STATE OF GUJARAT

Appearance:

MR A. M. Raval for Petitioner

Mr. D.A. Bambania for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/08/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioner, a Deputy Mamlatdar, in the office of the Collector, Ahmedabad, filed this special civil application and grievance has been made that in the final seniority list of clerk / clerk cum typist / typist, in which position is shown as on 1-1-1991, the petitioner has been wrongly placed at serial No.262. This seniority has been assigned to the petitioner on the basis of his date of joining as on 29-2-1980. The facts which have come on record of this special civil application and which have not been controverted by the respondents is that the petitioner was appointed to the post of Junior Clerk on 20-10-1978. Then there was break in service from December, 1978 to June, 1979. Though the petitioner prayed for condonation of break in his service, irrespective of that question, his seniority could have been assigned either taking the first date of appointment or the second date of appointment, but the counsel for the respondent has been unable to show wherefrom the date 29th February, 1980 has been taken. However, the counsel for the respondent has submitted that the petitioner may make representation in this respect and the same will be considered on merits after hearing him.

2. In the result this special civil application is disposed of in terms that the petitioner may make representation to the respondent No.2 regarding his grievance made in this special civil application, and if such a representation is made then the same shall be decided within a period of three months from the date of receipt thereof after affording an opportunity of hearing to the petitioner, if he so desires. Subject to the aforesaid observations, rule discharged. No order as to costs.

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